

EXHIBIT 1 (Redline)

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ADELE SHIREY; and DESTINY
SHIREY,

Plaintiffs,

v.

COUNTY OF RIVERSIDE; MARTIN
HUIZAR; [JARED ANDERSON](#);
[JACOB FONTANA](#); [SON LY](#); and
DOES ~~1~~4 through 10, inclusive,

Defendants.

[Case No. 5:25-cv-01541-DMG-E](#)

**FIRST AMENDED COMPLAINT
FOR DAMAGES**

1. Fourth Amendment, Unlawful Entry (42 U.S.C. § 1983)
2. Fourth Amendment, Unlawful Detention and Arrest (42 U.S.C. § 1983)
3. Fourth Amendment, Excessive Force (42 U.S.C. § 1983)
4. Fourth Amendment, Denial of Medical Care (42 U.S.C. § 1983)
5. Fourth and Fourteenth Amendments, Malicious Prosecution (42 U.S.C. § 1983)
6. Municipal Liability, Failure to Train (42 U.S.C. § 1983)
7. Municipal Liability, Ratification (42 U.S.C. § 1983)
8. Battery
9. Negligence
10. Bane Act (Cal. Civ. Code § 52.1)

DEMAND FOR JURY TRIAL

1 “[T]he overriding respect for the sanctity of the home . . . has been embedded in our
2 traditions since the origins of the Republic.”

3 *Payton v. New York*, 445 U.S. 573, 602 (1980).

4 5 INTRODUCTION

6 1. This case concerns basic guarantees under the Fourth Amendment and
7 California law to be secure from government invasion of one’s home and person.

8 2. On July 4, 2024, responding to a mere noise complaint, Defendant
9 MARTIN HUIZAR, while on duty and working in his capacity as a Sheriff’s Deputy
10 for Defendant COUNTY OF RIVERSIDE, barged into Plaintiffs’ home, through the
11 front door, with no warrant or valid warrant exception.

12 3. When Plaintiff ADELE SHIREY confronted HUIZAR, asked him to
13 leave her house, and told him she would speak with him outside, HUIZAR refused
14 and told her, **“I own your house.”** When ADELE SHIREY expressed disbelief,
15 HUIZAR grabbed her, slammed her into her wall, arrested her, and took her to jail.
16 During this time, ~~several~~ at least one additional COUNTY OF RIVERSIDE sheriff’s
17 deputy, ies including Defendant JARED ANDERSON, also entered Plaintiffs’ home,
18 with no warrant or valid warrant exception.

19 4. Defendant COUNTY OF RIVERSIDE, as HUIZAR’s and the other
20 deputies’ employer, is vicariously liable for the individual defendants’ conduct under
21 California law. Additionally, under the shocking circumstances of this case,
22 Defendant COUNTY OF RIVERSIDE’s failure to train the individual defendants
23 regarding basic requirements of the Fourth Amendment is obvious, such that the
24 COUNTY OF RIVERSIDE is also individually liable for these defendants’
25 constitutional violations.

26 5.—Through this civil rights and state tort action, Plaintiffs seek
27 compensatory and punitive damages from Defendants for their outrageous violations
28 of Plaintiffs’ rights, and seek to hold Defendants accountable for same.

1 5. ~~++~~

2 **JURISDICTION AND VENUE**

3 6. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and
4 1343(a)(3)-(4) because Plaintiffs assert claims arising under the laws of the United
5 States including 42 U.S.C. § 1983 and the Fourth Amendment of the United States
6 Constitution. This Court has supplemental jurisdiction over Plaintiffs' claims arising
7 under state law pursuant to 28 U.S.C. § 1367(a), because those claims are so related
8 to the federal claims that they form part of the same case or controversy under Article
9 III of the United States Constitution.

10 7. Venue is proper in this Court under 28 U.S.C. § 1391(b) because all
11 incidents, events, and occurrences giving rise to this action occurred in this district
12 and because, on information and belief, all Defendants reside in this district.

13 **PARTIES**

14 8. At all relevant times, Plaintiff ADELE SHIREY was an individual
15 residing in Winchester, California, in the County of Riverside. ADELE SHIREY
16 seeks all available damages under federal and state law, including compensatory
17 damages.

18 9. At all relevant times, Plaintiff DESTINY SHIREY was an individual
19 residing in Winchester, California, in the County of Riverside. DESTINY SHIREY
20 seeks all available damages under federal and state law, including compensatory
21 damages.

22 10. At all relevant times, Defendant COUNTY OF RIVERSIDE
23 ("COUNTY") is and was a municipal corporation existing under the laws of the State
24 of California. COUNTY is a chartered subdivision of the State of California with the
25 capacity to be sued. COUNTY is responsible for the actions, omissions, policies,
26 procedures, practices, and customs of its various agents and agencies, including the
27 Riverside County Sheriff's Department ("RCSD") and its agents and employees. At
28 all relevant times, Defendant COUNTY was responsible for assuring that the actions,

1 omissions, policies, procedures, practices, and customs of the COUNTY and its
2 employees and agents complied with the laws of the United States and of the State of
3 California. At all relevant times, COUNTY was the employer of some or all of
4 Defendants MARTIN HUIZAR, JARED ANDERSON, JACOB FONTANA, SON
5 LY, and DOES 44-10.

6 11. Defendant MARTIN HUIZAR (“HUIZAR”) is a sheriff’s deputy for the
7 COUNTY working for the RCSD at the time of this incident. HUIZAR was acting
8 under color of law within the course and scope of his employment with the COUNTY
9 and RCSD at all relevant times. HUIZAR was acting with the complete authority and
10 ratification of his principal, Defendant COUNTY.

11 12. Defendant JARED ANDERSON (“ANDERSON”) is a sheriff’s deputy
12 for the COUNTY working for the RCSD at the time of the incident. ANDERSON
13 was acting under color of law within the course and scope of his employment with
14 the COUNTY and RCSD at all relevant times. ANDERSON was acting with the
15 complete authority and ratification of his principal, Defendant COUNTY

16 13. Defendant JACOB FONTANA (“FONTANA”) is a sheriff’s deputy for
17 the COUNTY working for the RCSD at the time of the incident. FONTANA was
18 acting under color of law within the course and scope of his employment with the
19 COUNTY and RCSD at all relevant times. FONTANA was acting with the complete
20 authority and ratification of his principal, Defendant COUNTY

21 ~~14.~~14. Defendant SON LY (“LY”) is a sheriff’s deputy for the COUNTY
22 working for the RCSD at the time of the incident. LY was acting under color of law
23 within the course and scope of his employment with the COUNTY and RCSD at all
24 relevant times. LY was acting with the complete authority and ratification of his
25 principal, Defendant COUNTY

26 ~~15.~~15. Defendants DOES 44-10 are sheriff’s deputies for the COUNTY, by and
27 through its RCSD (“DOE DEPUTIES”). At all relevant times, DOE DEPUTIES were
28 acting under color of law within the course and scope of their duties as officers for

1 the RCSD; and were acting with the complete authority and ratification of their
2 principal, Defendant COUNTY.

3 ~~13.16.~~ On information and belief, Defendants HUIZAR, ANDERSON,
4 FONTANA, LY, and DOE DEPUTIES were residents of the County of Riverside,
5 California at all relevant times.

6 ~~14.17.~~ In doing the acts, failings, and/or omissions as hereinafter described,
7 Defendants HUIZAR, ANDERSON, FONTANA, LY, and DOE DEPUTIES were
8 acting on the implied and actual permission and consent of Defendant COUNTY.

9 ~~15.18.~~ The true names and capacities, whether individual, corporate,
10 association or otherwise of Defendant DOES 14-10, inclusive, are unknown to
11 Plaintiffs, who otherwise sue these Defendants by such fictitious names. Plaintiffs
12 will seek leave to amend this complaint to show the true names and capacities of
13 these Defendants when they have been ascertained. Each of the fictiously named
14 Defendants is responsible in some manner for the conduct or liabilities alleged
15 herein.

16 ~~16.19.~~ Defendants DOES 14-10 are sued in their individual capacities.

17 ~~17.20.~~ At all times mentioned herein, each and every Defendant, including
18 DOES 14-10, was the agent of each and every other Defendant and had the legal duty
19 to oversee and supervise the hiring, conduct, and employment of each and every
20 Defendant.

21 21. All of the acts complained of herein by Plaintiffs against Defendants,
22 including DOES 14-10, were done and performed by said Defendants by and through
23 their authorized agents, servants, and/or employees, all of whom at all relevant times
24 herein were acting with the course, purpose, and scope of said agency, service, and/or
25 employment capacity. Moreover, Defendants and their agents ratified all of the acts
26 complained herein.

27 ///

28 ///

~~18.~~ ///

FACTS COMMON TO ALL CLAIMS FOR RELIEF

~~19.22.~~ Plaintiffs repeat and reallege each and every allegation in the foregoing paragraphs of this Complaint with the same force and effect as if fully set forth herein.

~~20.23.~~ On or about July 4, 2024, Plaintiff ADELE SHIREY and her daughter, Plaintiff DESTINY SHIREY, were at their home in Winchester, California, hosting a small group of friends in their backyard. The gathering was calm, with conversation at a normal, unremarkable volume.

~~21.24.~~ Nevertheless, Plaintiffs' neighbor registered a noise complaint with law enforcement. On information and belief, this neighbor was a serial noise complainant and was known by law enforcement, including Defendants, to frequently register frivolous noise complaints.

~~22.25.~~ Based on the noise complaint, Defendant HUIZAR responded to Plaintiffs' home. HUIZAR stood outside, approximately 15 feet away from and to the side of the front door.

~~23.26.~~ While HUIZAR was standing outside, one of Plaintiffs' guests was preparing to leave for the evening. The guest opened the front door, saw HUIZAR standing off to the side, and began returning inside in order to advise Plaintiff ADELE SHIREY that a law enforcement officer was outside of her home and that she should speak with him.

~~24.27.~~ As Plaintiffs' guest was closing the home's front door behind him, HUIZAR ran to the door, forced it open, and stepped through the doorway and into Plaintiffs' home.

~~25.28.~~ HUIZAR had no warrant of any kind. Neither Plaintiffs nor any other occupant of Plaintiffs' home voiced or otherwise indicated any consent for HUIZAR's entry into the home. And no exigency existed that might otherwise allow for HUIZAR's warrantless entry.

1 26-29. Plaintiff ADELE SHIREY approached the front door area, advised
2 HUIZAR that he was standing inside of her home, and demanded that he exit, stating
3 that she would speak to him outside.

4 27-30. Despite Plaintiff's demand, HUIZAR refused to leave her home, stating,
5 "I own your house right now."

6 28-31. Plaintiff ADELE SHIREY continued to insist that HUIZAR exit her
7 home, and HUIZAR continued to refuse, insisting that he speak with her inside of the
8 home. By this time, Plaintiff DESTINY SHIREY and several of Plaintiffs' guests had
9 gathered in the front room of the house and observed the encounter.

10 29-32. When Plaintiff ADELE SHIREY then raised her hands up toward her
11 head in exasperation, HUIZAR grabbed her, slammed her against an inside wall,
12 turned her around, pulled her outside the home, forced her against an outdoor wall,
13 handcuffed her, and placed her under arrest. After handcuffing her, HUIZAR
14 continued to force Plaintiff ADELE SHIREY against the outdoor wall.

15 30-33. Plaintiff ADELE SHIREY had committed no crime and posed no threat
16 of harm to HUIZAR or anyone else at the time of HUIZAR's uses of force and arrest.
17 ADELE SHIREY had made no aggressive movements, made no furtive movements
18 that would suggest to a reasonable officer that she was attempting or intending to
19 inflict harm to HUIZAR or anyone else, and she was unarmed.

20 31-34. On information and belief, HUIZAR had no information that ADELE
21 SHIREY had committed any crime, had any criminal history, or had ever physically
22 harmed anyone.

23 32-35. During this incident, Plaintiff ADELE SHIREY had a pre-existing foot
24 injury, having torn a ligament two days earlier, necessitating medical treatment and
25 causing her to wear a cast, which was visible on her foot during this incident.

26 33-36. Plaintiff ADELE SHIREY advised HUIZAR that she had a broken foot.
27 Nevertheless, HUIZAR forced her to walk to a police vehicle on her injured foot and
28 refused to allow her to retrieve medication she had been prescribed related to her foot

1 injury or allow it to be retrieved for her.

2 ~~34.37.~~ When Plaintiff ADELE SHIREY was in custody in the back of a police
3 vehicle, additional RCSD deputies arrived at Plaintiffs' home, including
4 ANDERSON, FONTANA, LY, and some or all of DOES 44-10, and HUIZAR
5 returned to the home with them.

6 ~~35.38.~~ With Plaintiff DESTINY SHIREY and Plaintiffs' guests present,
7 HUIZAR re-entered and proceeded to walk through Plaintiffs' home, despite the
8 occupants' protests, and ~~DOE 1~~ANDERSON also stepped inside through the front
9 door. Additional deputies, including FONTANA, LY, and some of all of DOES 24-
10 10, stood outside on the porch, observed HUIZAR and ~~DOE 1~~ANDERSON enter the
11 home, and said nothing. No deputy had any warrant.

12 ~~36.39.~~ HUIZAR, ANDERSON, FONTANA, LY, and DOES 44-10 then
13 proceeded to detain DESTINY SHIREY and the other occupants inside of the home,
14 remaining on the porch while HUIZAR and other deputies summoned DESTINY
15 SHIREY and the other occupants outside one-by-one to interrogate them about what
16 had occurred at the home that evening. On information and belief, no *Miranda*
17 warnings were issued prior to or during any of these interrogations.

18 ~~37.40.~~ Plaintiff DESTINY SHIREY observed this entire encounter with
19 HUIZAR, including observing HUIZAR manhandle and slam her mother against the
20 wall, and causing DESTINY SHIREY to experience serious emotional distress.

21 ~~38.41.~~ HUIZAR and, on information and belief, some or all of ANDERSON,
22 FONTANA, LY, and DOES 44-10 then took Plaintiff ADELE SHIREY to jail,
23 where she was booked and was held for an extended period, despite having clearly
24 committed no crime.

25 ~~39.42.~~ On information and belief, HUIZAR ~~and one or more of DOES 1-10~~
26 prepared a police reports falsely stating that Plaintiff ADELE SHIREY had
27 obstructed HUIZAR in the performance of a lawful duty.

28 ~~40.43.~~ On information and belief, HUIZAR ~~and one or more of DOES 1-10~~

1 submitted, or caused to be submitted, such police reports to the County of Riverside
2 District Attorney's office.

3 ~~41.44.~~ Through ~~thi~~these submissions of a false reports, HUIZAR ~~and one or~~
4 ~~more of DOES 1-10~~ wrongfully caused the District Attorney's office to file
5 groundless criminal charges against Plaintiff ADELE SHIREY, and such criminal
6 charges were filed against her.

7 ~~42.45.~~ Plaintiffs were required to provide bail to secure Plaintiff ADELE
8 SHIREY's release from jail.

9 ~~43.46.~~ Criminal charges based on Defendant HUIZAR's² false reports
10 remained pending against Plaintiff ADELE SHIREY for multiple months before they
11 were ultimately dismissed.

12 ~~44.47.~~ As a result of Defendants' conduct, Plaintiff ADELE SHIREY suffered
13 significant physical pain and suffering, as well as embarrassment, humiliation, and
14 emotional distress.

15 ~~45.48.~~ As a result of Defendants' conduct, Plaintiff DESTINY SHIREY
16 suffered significant emotional distress, as well as embarrassment and humiliation.

17 ~~46.49.~~ At all relevant times, Defendants HUIZAR, ANDERSON, FONTANA,
18 LY, and DOES 44-10 acted within the course and scope of their employment with the
19 County of Riverside, and under color of state and local law.

20 ~~47.50.~~ On or around December 31, 2024, Plaintiffs filed comprehensive and
21 timely claims for damages with the County of Riverside pursuant to the applicable
22 sections of the California Government Code. Said claims were denied on January 13,
23 2025.

24 ~~///~~

25 ~~///~~

26 **FIRST CLAIM FOR RELIEF**

27 **Fourth Amendment – Unlawful Entry (42 U.S.C. § 1983)**

28 **All Plaintiffs against Defendants HUIZAR, ANDERSON and DOES 44-10**

1 ~~48.51.~~ Plaintiffs repeat and reallege each and every allegation in the foregoing
2 paragraphs of this Complaint with the same force and effect as if fully set forth
3 herein.

4 ~~49.52.~~ Defendants entered Plaintiffs' home without a warrant.

5 ~~50.53.~~ Plaintiffs did not consent to Defendants' entry into their home, verbally
6 or otherwise. Rather, Plaintiffs' clearly repeatedly objected to Defendants' entry into
7 the home.

8 ~~51.54.~~ No exigency justified Defendants' warrantless entry into Plaintiffs'
9 home. Defendants were at the home responding to a noise complaint and had no
10 probable cause to believe any crime had been committed, let alone any serious crime.

11 ~~52.55.~~ By entering Plaintiffs' home without a warrant or valid warrant
12 exception, Defendants violated Plaintiffs' right to be free from unlawful entry into
13 their home, guaranteed to Plaintiffs under the Fourth Amendment to the United States
14 Constitution and applied to state actors by the Fourteenth Amendment.

15 ~~53.56.~~ As a result of Defendants' unlawful entry into Plaintiffs' home,
16 Plaintiffs suffered emotional distress, embarrassment, and humiliation.

17 ~~54.57.~~ The conduct of Defendants was willful, wanton, malicious, and done
18 with reckless disregard for the rights of Plaintiffs therefore warrants the imposition of
19 exemplary and punitive damages as to the individual Defendants.

20 ~~55.58.~~ As a result of their violation of Plaintiffs' Fourth Amendment rights,
21 Defendants are liable to Plaintiffs for compensatory damages under 42 U.S.C.
22 § 1983, including for mental suffering, inconvenience, grief, anxiety, humiliation,
23 and emotional distress; past and future medical expenses; and lost income and
24 earning capacity.

25 ~~56.59.~~ Plaintiffs also seek attorney's fees and costs under this claim.
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27
28

SECOND CLAIM FOR RELIEF

Fourth Amendment – Unlawful Detention and Arrest (42 U.S.C. § 1983)

**All Plaintiffs against Defendants HUIZAR, ANDERSON, FONTANA, LY, and
DOES 14-10**

57-60. Plaintiffs repeat and reallege each and every allegation in the foregoing paragraphs of this Complaint with the same force and effect as if fully set forth herein.

58-61. HUIZAR, ANDERSON, FONTANA, LY and DOES 14-10 did not observe any crime committed during the incident, including by ADELE SHIREY.

59-62. When HUIZAR grabbed Plaintiff ADELE SHIREY, she was not free to leave. HUIZAR subsequently placed Plaintiff ADELE SHIREY under arrest, handcuffing her, placing her in the back of a police vehicle, and transporting her to jail.

60-63. HUIZAR had no reasonable suspicion upon which to detain ADELE SHIREY, and no probable cause to arrest her for any crime. The detention and arrest were unlawful.

61-64. HUIZAR's detention and arrest of ADELE SHIREY was further unlawful in that, at the time he detained and arrested her, he was unlawfully inside of her home, and physically removed her from her home in the course of arresting her.

62-65. In addition to the detention and arrest being unreasonable, the scope and manner of same were also unreasonable, as it was not necessary to use any force against ADELE SHIREY, let alone the significant force HUIZAR used against her.

63-66. After ADELE SHIREY's arrest, HUIZAR, ANDERSON, FONTANA, LY, and DOES 14-10 detained DESTINY SHIREY when they stood at her front doorstep, refusing to allow the door to be closed, and demanded she submit to questioning. At this time, DESTINY SHIREY was not free to leave.

64-67. HUIZAR, ANDERSON, FONTANA, LY, and DOES 14-10 had no reasonable suspicion upon which to detain DESTINY SHIREY. The detention was

1 unlawful.

2 ~~65.68.~~HUIZAR, ANDERSON, and DOES ~~14~~-10's detention of DESTINY
3 SHIREY was further unlawful in that, at the time they detained her, they were
4 unlawfully inside of her home.

5 ~~66.69.~~As a result of their misconduct, the Defendant Officers are liable for
6 Plaintiffs' injuries, either because they were integral participants in the wrongful
7 detention and arrest, or because they failed to intervene to prevent these violations.

8 ~~67.70.~~As a result of Defendants' unlawful detention and arrest of Plaintiffs,
9 Plaintiffs suffered emotional distress, embarrassment, and humiliation.

10 ~~68.71.~~The conduct of Defendants was willful, wanton, malicious, and done
11 with reckless disregard for the rights of Plaintiffs therefore warrants the imposition of
12 exemplary and punitive damages as to the individual Defendants.

13 ~~69.72.~~As a result of their violation of Plaintiffs' Fourth Amendment rights,
14 Defendants are liable to Plaintiffs for compensatory damages under 42 U.S.C.
15 § 1983, including for past and future physical pain and mental suffering, loss of
16 enjoyment of life, disfigurement, physical impairment, inconvenience, grief, anxiety,
17 humiliation, and emotional distress; past and future medical expenses; and lost
18 income and earning capacity.

19 ~~70.73.~~Plaintiffs also seek attorney's fees and costs under this claim.

20 **THIRD CLAIM FOR RELIEF**

21 **Fourth Amendment – Excessive Force (42 U.S.C. § 1983)**

22 **Plaintiff ADELE SHIREY against Defendant HUIZAR**

23 ~~71.74.~~Plaintiffs repeat and reallege each and every allegation in the foregoing
24 paragraphs of this Complaint with the same force and effect as if fully set forth
25 herein.

26 ~~72.75.~~At the time Defendant HUIZAR used force against Plaintiff ADELE
27 SHIREY, ADELE SHIREY had not committed any crime, did not pose any threat of
28 harm to HUIZAR or others, and was unarmed.

1 73.76. Defendant HUIZAR provided no verbal warning to Plaintiff ADELE
2 SHIREY that he would use force against her prior to using force.

3 74.77. The unreasonable use of force by Defendant HUIZAR deprived Plaintiff
4 ADELE SHIREY of her right to be secure in her person against unreasonable
5 searches and seizures as guaranteed to her under the Fourth Amendment to the
6 United States Constitution and applied to state actors by the Fourteenth Amendment.

7 75.78. As a result, Plaintiff ADELE SHIREY suffered extreme pain and
8 suffering and injury.

9 76.79. As a result of the conduct of Defendant HUIZAR, he is liable for
10 Plaintiff ADELE SHIREY's injuries because he was an integral participant in the use
11 of excessive force.

12 77.80. The conduct of Defendant HUIZAR was willful, wanton, malicious, and
13 done with reckless disregard for the rights of Plaintiffs therefore warrants the
14 imposition of exemplary and punitive damages as to Defendant HUIZAR.

15 78.81. As a result of his violation of Plaintiff ADELE SHIREY's Fourth
16 Amendment rights, Defendant HUIZAR is liable to Plaintiff for compensatory
17 damages under 42 U.S.C. § 1983, including for past and future physical pain and
18 mental suffering, loss of enjoyment of life, disfigurement, physical impairment,
19 inconvenience, grief, anxiety, humiliation, and emotional distress; past and future
20 medical expenses; and lost income and earning capacity.

21 79.82. Plaintiffs also seek attorney's fees and costs under this claim.

22 **FOURTH CLAIM FOR RELIEF**

23 **Fourth Amendment – Denial of Medical Care (42 U.S.C. § 1983)**

24 **Plaintiff ADELE SHIREY against Defendants HUIZAR, ANDERSON,**
25 **FONTANA, LY, and DOES 14-10**

26 80.83. Plaintiffs repeat and reallege each and every allegation in the foregoing
27 paragraphs of this Complaint with the same force and effect as if fully set forth
28 herein.

1 ~~81.84.~~ Defendants HUIZAR and DOES ~~14~~-10, in forcing Plaintiff ADELE
2 SHIREY to walk on her injured foot and denying her access to her prescribed
3 medications, denied her important medical care, exacerbating her pain and suffering
4 experienced as a result of Defendants' conduct.

5 ~~82.85.~~ Further, on information and belief, Defendants did not provide or offer
6 medical attention to Plaintiff ADELE SHIREY during the incident, despite
7 Defendant HUIZAR slamming her against a wall, causing her head to strike the wall.

8 ~~83.86.~~ The denial of medical care by Defendants deprived ADELE SHIREY of
9 her right to be secure in her persons against unreasonable searches and seizures as
10 guaranteed to her under the Fourth Amendment to the United States Constitution and
11 applied to state actors by the Fourteenth Amendment.

12 ~~84.87.~~ As a result, ADELE SHIREY suffered significant mental and physical
13 pain, exacerbated as a result of the failure to provide medical care.

14 ~~85.88.~~ The conduct of Defendants was willful, wanton, malicious, and done
15 with reckless disregard for the rights of Plaintiffs therefore warrants the imposition of
16 exemplary and punitive damages as to the individual Defendants.

17 ~~86.89.~~ As a result of their violation of Plaintiff ADELE SHIREY's Fourth
18 Amendment rights, Defendants are liable to Plaintiff for compensatory damages
19 under 42 U.S.C. § 1983, including for past and future physical pain and mental
20 suffering, loss of enjoyment of life, disfigurement, physical impairment,
21 inconvenience, grief, anxiety, humiliation, and emotional distress; past and future
22 medical expenses; and lost income and earning capacity.

23 ~~87.90.~~ Plaintiffs also seek attorney's fees and costs under this claim.

24 **FIFTH CLAIM FOR RELIEF**

25 **Fourth and Fourteenth Amendments – Malicious Prosecution (42 U.S.C. § 1983)**

26 **Plaintiff ADELE SHIREY against Defendants HUIZAR and DOES ~~14~~-10**

27 ~~88.91.~~ Plaintiffs repeat and reallege each and every allegation in the foregoing
28 paragraphs of this Complaint with the same force and effect as if fully set forth

1 herein.

2 89.92. By preparing and submitting a police report representing that Plaintiff
3 ADELE SHIREY had committed a crime in purportedly resisting or obstructing a law
4 enforcement officer performing his official duties, Defendants HUIZAR and DOES
5 44-10 initiated or caused to be initiated criminal charges against ADELE SHIREY.

6 90.93. Such report, and these allegations, lacked any legitimate basis.

7 91.94. Defendants initiated or caused to be initiated criminal charges against
8 ADELE SHIREY with malice and without probable cause.

9 92.95. A criminal charge was filed against Plaintiff ADELE SHIREY based, on
10 information and belief, on Defendants' report(s).

11 93.96. The criminal charge was dismissed in Plaintiff ADELE SHIREY's
12 favor.

13 94.97. The conduct of Defendants HUIZAR and DOES 44-10 was willful,
14 wanton, malicious, and done with reckless disregard for the rights of Plaintiff
15 therefore warrants the imposition of exemplary and punitive damages as to these
16 Defendants.

17 95.98. As a result of the violation of Plaintiff ADELE SHIREY's Fourth and
18 FOURTEENTH-Fourteenth Amendment rights, Defendants are liable to Plaintiff for
19 compensatory damages under 42 U.S.C. § 1983, including for ~~including for~~ past and
20 future mental suffering, loss of enjoyment of life, inconvenience, grief, anxiety,
21 humiliation, and emotional distress; past and future medical expenses; and lost
22 income and earning capacity.

23 96.99. Plaintiffs also seek attorney's fees and costs under this claim.

24 **SIXTH CLAIM FOR RELIEF**

25 **Municipal Liability – Failure to Train (42 U.S.C. § 1983)**

26 **All Plaintiffs against Defendant COUNTY**

27 97.100. Plaintiffs repeat and reallege each and every allegation in the
28 foregoing paragraphs of this Complaint with the same force and effect as if fully set

1 forth herein.

2 ~~98.101.~~ Defendants HUIZAR, ANDERSON, FONTANA, LY and DOES
3 44-10 acted under color of law. The acts of said Defendants deprived Plaintiffs of
4 their particular rights under the United States Constitution.

5 ~~99.102.~~ The negligent and unjustified warrantless entry, detention, arrest,
6 and use of force by Defendants HUIZAR, ANDERSON, FONTANA, LY, and DOES
7 44-10 was a result of the negligent training by the Defendant COUNTY, who failed
8 to train COUNTY deputies as to the warrant requirement, proper detention and arrest
9 procedures, proper police tactics, and proper use of force. COUNTY was responsible
10 for the training of COUNTY deputies to ensure that the actions, procedures, and
11 practices of said Defendants complied with Peace Officer Standards and Training
12 (POST) training standards regarding proper police tactics, and proper use of deadly
13 force.

14 ~~100.103.~~ COUNTY negligently failed to train COUNTY deputies to
15 comply with POST training standards regarding proper police tactics, proper use of
16 force, proper use of deadly force, and proper detention and arrest procedures. POST
17 was established by the California Legislature in 1959 to set minimum training
18 standards for California police officers.

19 ~~101.104.~~ The training policies of COUNTY were not adequate to train its
20 sheriff's deputies to handle the usual and recurring situations with residents that said
21 Defendants have contact with.

22 ~~102.105.~~ The training policies of the COUNTY were deficient in the
23 following ways:

- 24 a) The COUNTY failed to properly train COUNTY sheriff's deputies
25 regarding the constitutional requirement to have a warrant, issued by
26 a court based on a finding of probable cause, before entering a home,
27 and regarding the narrow exceptions to the warrant requirement and
28 their applicability.

- 1 b) The COUNTY failed to properly train COUNTY sheriff's deputies
2 regarding the constitutional requirement that, when attempting to
3 detain or arrest an individual, they may do so only in a location they
4 are lawfully occupying.
- 5 c) The COUNTY failed to properly train COUNTY sheriff's deputies
6 regarding the requirement of reasonable suspicion in order to detain
7 members of the public and the requirement of probable cause to
8 conduct an arrest.
- 9 d) The COUNTY failed to properly train COUNTY sheriff's deputies
10 so that deputies do not escalate their interactions with members of the
11 public and do not overreact and resort to use of force when the use of
12 force was not necessary.
- 13 e) The COUNTY failed to properly train COUNTY sheriff's deputies
14 regarding the accurate and complete preparation of police reports,
15 and regarding the likelihood that reports will be used by prosecuting
16 authorities in determining whether to pursue criminal charges
17 following an arrest.
- 18 f) The COUNTY failed to properly train COUNTY sheriff's deputies in
19 the use of effective communication prior to using force. Because of
20 the lack of proper training by the COUNTY, Defendant HUIZAR did
21 not use effective communication prior to and during the use of force
22 against Plaintiff ADELE SHIREY.

23 103.106. Under the egregious and singular circumstances alleged herein,
24 the foregoing deficiencies in the COUNTY's training of its sheriff's deputies are self-
25 evident and obvious given the conduct of Defendants HUIZAR, ANDERSON,
26 FONTANA, LY, and DOES 14-10.

27 104.107. The failure of Defendant COUNTY to provide adequate training
28 caused the deprivation of Plaintiffs' rights by Defendants HUIZAR, ANDERSON,

1 FONTANA, LY and DOES 44-10; that is, Defendant COUNTY's failure to train is
2 so closely related to the deprivation of Plaintiffs' rights as to be the moving force that
3 caused the ultimate injury.

4 405.108. Defendant COUNTY was deliberately indifferent to the obvious
5 consequences of its failure to train its deputies adequately.

6 406.109. By reason of the aforementioned acts and omissions of Defendant
7 COUNTY, Plaintiffs have suffered significant pain and suffering, emotional distress,
8 embarrassment, and humiliation.

9 407.110. As a result of their violation of Plaintiffs' rights, Defendant
10 COUNTY is liable to Plaintiffs for compensatory damages under 42 U.S.C. § 1983,
11 including for past and future physical pain and mental suffering, loss of enjoyment of
12 life, disfigurement, physical impairment, inconvenience, grief, anxiety, humiliation,
13 and emotional distress; past and future medical expenses; and lost income and
14 earning capacity.

15 408.111. Plaintiffs also seek attorney's fees and costs under this claim.

16 **SEVENTH CLAIM FOR RELIEF**

17 **Municipal Liability – Ratification (42 U.S.C. § 1983)**

18 **All Plaintiffs against Defendant COUNTY**

19 409.112. Plaintiffs repeat and reallege each and every allegation in the
20 foregoing paragraphs of this Complaint with the same force and effect as if fully set
21 forth herein.

22 410.113. Defendants HUIZAR, ANDERSON, FONTANA, LY, and DOES
23 44-10 acted under color of law. The acts of said Defendants deprived Plaintiffs of
24 their particular rights under the United States Constitution.

25 411.114. On information and belief, a final policymaker, acting under color
26 of law, who had final policymaking authority concerning the acts of Defendants
27 HUIZAR, ANDERSON, FONTANA, LY, and DOES 44-10, ratified these
28 Defendants' acts and the bases for them. The final policymaker knew of and

1 specifically approved of these Defendants' acts.

2 ~~442.115.~~ On information and belief, a final policymaker has determined
3 that the acts of Defendants HUIZAR, ANDERSON, FONTANA, LY, and DOES ~~44-~~
4 10 were "within policy."

5 ~~443.116.~~ By reason of the aforementioned acts and omissions of Defendant
6 COUNTY, Plaintiffs have suffered significant pain and suffering, emotional distress,
7 embarrassment, and humiliation.

8 ~~444.117.~~ As a result of their violation of Plaintiffs' rights, Defendant
9 COUNTY is liable to Plaintiffs for compensatory damages under 42 U.S.C. § 1983,
10 including for past and future physical pain and mental suffering, loss of enjoyment of
11 life, disfigurement, physical impairment, inconvenience, grief, anxiety, humiliation,
12 and emotional distress; past and future medical expenses; and lost income and
13 earning capacity.

14 ~~445.118.~~ Plaintiffs also seek attorney's fees and costs under this claim.

15 **EIGHTH CLAIM FOR RELIEF**

16 **Battery (Cal. Gov. Code § 820 and California Common Law)**

17 **Plaintiff ADELE SHIREY against Defendants HUIZAR and COUNTY**

18 ~~446.119.~~ Plaintiffs repeat and reallege each and every allegation in the
19 foregoing paragraphs of this Complaint with the same force and effect as if fully set
20 forth herein.

21 ~~447.120.~~ Defendant HUIZAR, while working as a sheriff's deputy for the
22 COUNTY and acting within the course and scope of his duties, without warning,
23 intentionally grabbed Plaintiff ADELE SHIREY inside of her home and slammed her
24 against a wall.

25 ~~448.121.~~ Defendant HUIZAR had no legal justification for using any force
26 against ADELE SHIREY, let alone this significant force, and said Defendant's use of
27 force while carrying out his duties was an unreasonable use of force, especially since
28 ADELE SHIREY was not an imminent threat to HUIZAR or anyone else, had

1 committed no crime, and was inside of her own home.

2 ~~119.122.~~ Defendant HUIZAR's use of force was also unreasonable because
3 there were less intrusive options readily available.

4 ~~120.123.~~ By reason of the aforementioned acts and omissions of Defendant
5 HUIZAR, Plaintiff has suffered significant pain and suffering, emotional distress,
6 embarrassment, and humiliation.

7 ~~121.124.~~ Defendant COUNTY is vicariously liable for the wrongful acts of
8 Defendant HUIZAR pursuant to section 815.2(a) of the California Government Code,
9 which provides that a public entity is liable for the injuries caused by its employees
10 within the scope of the employment if the employee's act would subject him or her to
11 liability.

12 ~~122.125.~~ As a result of their violation of Plaintiffs' rights, Defendants are
13 liable to Plaintiff for compensatory damages under California law, including for past
14 and future physical pain and mental suffering, loss of enjoyment of life,
15 disfigurement, physical impairment, inconvenience, grief, anxiety, humiliation, and
16 emotional distress; past and future medical expenses; and lost income and earning
17 capacity.

18 **NINTH CLAIM FOR RELIEF**

19 **Negligence (Cal. Gov. Code § 820 and California Common Law)**

20 **All Plaintiffs against All Defendants**

21 ~~123.126.~~ Plaintiffs repeat and reallege each and every allegation in the
22 foregoing paragraphs of this Complaint with the same force and effect as if fully set
23 forth herein.

24 ~~124.127.~~ The actions and inactions of Defendants were negligent, including
25 but not limited to:

- 26 a) Forcibly entering Plaintiffs' home with no warrant or valid warrant
27 exception, when no crime was in progress, when responding only to a
28 noise complaint.

- 1 b) Failing to exit Plaintiffs' home when Plaintiff ADELE SHIREY
2 demanded HUIZAR do so and offered to speak with him outside.
- 3 c) As to HUIZAR, willfully escalating the situation inside the home by
4 responding to ADELE SHIREY's objections by provocatively and
5 outrageously stating, without any legal basis, "I own your house right
6 now."
- 7 d) The failure to properly and adequately assess the need to detain,
8 arrest, and use force.
- 9 e) As to HUIZAR, arresting and using significant force against ADELE
10 SHIREY without any legitimate basis, when he knew additional
11 deputies were already on the way, such that they could have assisted
12 in any legitimate law enforcement functions should any have been
13 necessary.
- 14 f) The negligent failure to provide and or summon prompt medical care
15 to ADELE SHIREY.
- 16 g) Detaining Plaintiff DESTINY SHIREY without any legitimate basis.
- 17 g)h) Failing to exit Plaintiffs' home a second time when Plaintiff
18 DESTINY SHIREY demanded HUIZAR and ANDERSON do so
19 and offered to speak with them outside.
- 20 h)i) Failure to properly train and supervise employees, including
21 Defendants HUIZAR, ANDERSON, FONTANA, LY, and DOES
22 14-10.

23 125.128. By reason of the aforementioned acts and omissions of
24 Defendants, Plaintiffs have suffered significant pain and suffering, emotional distress,
25 embarrassment, and humiliation.

26 126.129. Additionally, when Defendant HUIZAR's negligence caused
27 physical injury to Plaintiff ADELE SHIREY, Plaintiff DESTINY SHIREY was
28 present and observed same, and was aware that her mother, ADELE SHIREY, was

1 being injured.

2 ~~127.130.~~ As a result of ~~bein~~ being present at the scene and observing her
3 mother, ADELE SHIREY, being injured by HUIZAR, Plaintiff DESTINY SHIREY
4 suffered serious emotional distress, including but not limited to suffering anguish,
5 fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame.

6 ~~128.131.~~ An ordinary person would be unable to cope with seeing her
7 mother being manhandled, baselessly arrested, and slammed into a wall by the police,
8 especially at her own home.

9 ~~129.132.~~ Defendant COUNTY is vicariously liable for the wrongful acts of
10 Defendants HUIZAR, ANDERSON, FONTANA, LY, and DOES ~~14~~-10 pursuant to
11 section 815.2(a) of the California Government Code, which provides that a public
12 entity is liable for the injuries caused by its employees within the scope of the
13 employment if the employee's act would subject him or her to liability.

14 ~~130.133.~~ As a result of their violation of Plaintiffs' rights, Defendants are
15 liable to Plaintiffs for compensatory damages under California law, including for past
16 and future physical pain and mental suffering, loss of enjoyment of life,
17 disfigurement, physical impairment, inconvenience, grief, anxiety, humiliation, and
18 emotional distress; past and future medical expenses; and lost income and earning
19 capacity.

20 **TENTH CLAIM FOR RELIEF**

21 **Violation of Bane Act (Cal. Civil Code § 52.1)**

22 **All Plaintiffs against All Defendants**

23 ~~131.134.~~ Plaintiffs repeat and reallege each and every allegation in the
24 foregoing paragraphs of this Complaint with the same force and effect as if fully set
25 forth herein.

26 ~~132.135.~~ California Civil Code, Section 52.1 (the Bane Act), prohibits any
27 person from interfering with another person's exercise or enjoyment of his
28 constitutional rights by threats, intimidation, or coercion (including by the use of

1 unconstitutionally excessive force, unlawful detention, and unlawful arrest).

2 ~~133.136.~~ The Bane Act, the United States Constitution, the California
3 Constitution, and California common law prohibit the unlawful entry into the home,
4 use of excessive force, wrongful detention and arrest, and denial of medical care by
5 law enforcement.

6 ~~134.137.~~ Defendants HUIZAR, ANDERSON, FONTANA, LY, and DOES
7 44-10 violated Plaintiffs' constitutional rights by unlawfully entering their home and
8 wrongfully detaining them and, as to Plaintiff ADELE SHIREY, wrongfully arresting
9 her, using excessive force against her, and denying her medical care. All of these
10 were done intentionally and with the specific intent to violate Plaintiffs'
11 constitutional rights, as demonstrated by Defendants' clear reckless indifference to
12 such rights. All save the initial unlawful entry were further done in retaliation for
13 Plaintiff ADELE SHIREY's exercise of her constitutional rights, including in
14 protesting HUIZAR's initial entry into her home.-

15 ~~135.138.~~ Defendant HUIZAR's use of force was excessive and
16 unreasonable under the circumstances. Further, HUIZAR did not give a verbal
17 warning or any commands prior to grabbing Plaintiff ADELE SHIREY and
18 slamming her against a wall, despite being feasible to do so.

19 ~~136.139.~~ The conduct of Defendants HUIZAR, ANDERSON, FONTANA,
20 LY, and DOES 44-10 was a substantial factor in causing the harm, losses, injuries,
21 and damages of Plaintiffs.

22 ~~137.140.~~ By reason of the aforementioned acts and omissions of
23 Defendants, Plaintiffs have suffered significant pain and suffering, emotional distress,
24 embarrassment, and humiliation.

25 ~~138.141.~~ Defendant COUNTY is vicariously liable for the wrongful acts of
26 Defendants HUIZAR, ANDERSON, FONTANA, LY, and DOES 44-10 pursuant to
27 section 815.2(a) of the California Government Code, which provides that a public
28 entity is liable for the injuries caused by its employees within the scope of the

1 employment if the employee's act would subject him or her to liability.

2 ~~139.142.~~ As a result of their violation of Plaintiffs' rights, Defendants are
3 liable to Plaintiffs for compensatory damages under California law, including for past
4 and future physical pain and mental suffering, loss of enjoyment of life,
5 disfigurement, physical impairment, inconvenience, grief, anxiety, humiliation, and
6 emotional distress; past and future medical expenses; and lost income and earning
7 capacity.

8 ~~140.143.~~ The conduct of Defendant HUIZAR was malicious, wanton,
9 oppressive, and accomplished with a conscious disregard for the rights of Plaintiff
10 ADELE SHIREY, entitling Plaintiffs to an award of exemplary and punitive damages
11 as to Defendant HUIZAR.

12 ~~141.144.~~ Plaintiffs also seek costs and statutory attorney fees under this
13 claim.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs ADELE SHIREY and DESTINY SHIREY request entry of judgment in their favor and against Defendants COUNTY OF RIVERSIDE, MARTIN HUIZAR, JARED ANDERSON, JACOB FONTANA, SON LY, and DOES 14-10, inclusive, as follows:

- A. For compensatory damages under federal and state law, in an amount to be proven at trial;
- B. For other general damages in an amount according to proof at trial;
- C. For other non-economic damages in an amount according to proof at trial;
- D. For other special damages in an amount according to proof at trial;
- E. For punitive damages against the individual defendants in an amount to be proven at trial;
- F. Attorney's fees pursuant to 42 U.S.C. § 1988;
- G. Attorney's fees and costs pursuant to Cal. Civ. Code § 52.1(h)
- H. For interest;
- I. For reasonable costs of this suit; and
- J. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: October 3, 2025~~October 2, 2025~~October 2, 2025~~October 2, 2025~~October 2, 2025~~October 1, 2025~~

LAW OFFICES OF DALE K. GALIPO

By: _____
DALE K. GALIPO
BENJAMIN S. LEVINE
Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

The Plaintiffs named herein hereby demand a trial by jury.

DATED: ~~October 3, 2025~~~~October 2, 2025~~~~October 2, 2025~~~~October 2, 2025~~~~October 2,~~
~~2025~~~~October 1, 2025~~

LAW OFFICES OF DALE K. GALIPO

By: _____

DALE K. GALIPO
BENJAMIN S. LEVINE
Attorneys for Plaintiffs